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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS OBSERVER MISSION IN EL SALVADOR

I. INTRODUCTION

1. The present report, which describes the activities of the United Nations Observer Mission in El Salvador (ONUSAL) for the period from 21 November 1993 to 30 April 1994, is submitted to the Security Council in compliance with resolution 888 (1993), in which the Council, in extending the mandate of ONUSAL until 31 May 1994, requested me to report by 1 May 1/ on the operations of the Mission so that the Council might review its size and scope for the period after 31 May 1994, taking into account my recommendations for the fulfilment and completion of its mandate. The report follows my report of 23 November 1993 (S/26790) on the overall implementation of the Peace Accords between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN).

2. With effect from 1 April 1994, I appointed Mr. Enrique ter Horst to serve as my Special Representative and Chief of Mission of ONUSAL as successor to Mr. Augusto Ramírez-Ocampo (see S/1994/288 and S/1994/289). I should like to take this opportunity to pay tribute to Mr. Ramírez-Ocampo's deep commitment to the cause of peace and reconciliation in El Salvador.

3. The work of ONUSAL during the period under review is described below in five sections devoted respectively to military matters; public security matters; the Commission on the Truth; economic and social matters; and the financial needs of post-conflict peace-building. The Mission's work in the area of human rights has continued to be the subject of a separate series of reports, the two most recent of which were submitted to the General Assembly and the Security Council as annexes to my notes of 18 January and 29 April 1994 (A/49/59-S/1994/47 and A/49/116-S/1994/385). Given the fact that the last report of ONUSAL on the question of human rights was issued only a few days ago, the present report does not contain a section devoted exclusively to that question. However, references are made whenever necessary to specific aspects of the work of the Division of Human Rights during the period. Since my report of 23 November, I have also submitted to the Security Council three reports and one progress report on the activities of the Electoral Division of ONUSAL (S/1994/179, S/1994/304, S/1994/375 and S/1994/486). I have also informed the

members of the Council from time to time of developments relating to specific aspects of implementation of the Peace Accords and I recently raised with them my continuing concerns regarding certain problems in that connection (see S/1994/361 and S/PRST/1994/15). These problems relate especially to public security matters, the recommendations of the Commission on the Truth, the land transfer programme and other programmes for the reintegration of ex-combatants into civilian life. These aspects of the Peace Accords are accordingly discussed in some detail in sections III, IV and V of the present report.

4. In my November report, I shared with the Security Council my grave concerns with regard to the assassination of several political leaders, a development that had given rise to apprehensions that illegal armed groups with political objectives - the so-called death squads - were re-emerging. In the light of the recommendation of the Commission on the Truth that a thorough investigation of private armed groups be undertaken, I instructed the Director of the Division of Human Rights of ONUSAL to assist the Government in implementing the Commission's recommendation (see S/26689), a decision that was subsequently endorsed by the Council (see S/26695).

5. Intensive negotiations with the Government and FMLN by Under-Secretary-General Marrack Goulding and Mr. Ramírez-Ocampo culminated in the establishment on 8 December 1993 of a Joint Group for the Investigation of Politically Motivated Illegal Armed Groups composed of the National Counsel for the Defence of Human Rights, the Director of the Division of Human Rights of ONUSAL and two representatives of the Government of El Salvador nominated by the President (see S/26865 and S/26866). The Joint Group is to present a report with its findings and recommendations at the end of May 1994.

6. Since the establishment of the Joint Group, several acts of violence have been committed against representatives of political or social organizations, including the assassination, immediately after the establishment of the Joint Group, of a member of the highest decision-making body of FMLN. Investigations are under way in an effort to clarify the motives for these acts and to identify the culprits. It is encouraging that, according to the most recent report of the Division of Human Rights, murders analogous to those committed during the final months of 1993 have not recurred. Notwithstanding this relative improvement in the human rights situation, violations of the right to life, due process and other fundamental rights have continued. It is to be hoped that the continuing efforts to investigate and punish crime and to strengthen democratic institutions will result in progress in the fight against impunity.

7. On 20 March 1994, the first post-conflict elections were held in El Salvador for the presidency, the vice-presidency, all members of the Legislative Assembly and the municipal councils, as well as representatives to the Central American Parliament. For the first time FMLN participated as a political party. The Electoral Division of ONUSAL verified the electoral campaign, which officially opened on 20 November 1993. The Division also observed, and provided support for, the Supreme Electoral Tribunal's registration of voters and delivery of voter cards.

8. As I reported to the Security Council, the elections were held under generally acceptable conditions, without any major acts of violence, although

serious flaws regarding organization and transparency were detected (see S/1994/375). These were not, however, deemed to have had an effect on the final outcome. Since none of the candidates obtained the required absolute majority in the presidential race, a second round was held on 24 April 1994 between the two candidates with the highest number of votes, namely, those of the Alianza Republicana Nacionalista (ARENA) and the Convergencia Democrática/FMLN/Movimiento Nacional Revolucionario (CD/FMLN/MNR) coalition. This second round resulted in the election of the ARENA candidate, Mr. A. Calderón Sol, who will take office on 1 June 1994. In view of the fact that a fourth and final report on the activities of the Electoral Division of ONUSAL, covering the second round, will be before the Security Council when it takes up the present report, the matter is not further discussed here.

9. The National Commission for the Consolidation of Peace (COPAZ) has continued its work with the presence of an ONUSAL observer. It has presented to the Legislative Assembly draft laws on the regulation of the holding of weapons and on private security bodies. Having been adopted by the Assembly, both laws are now being enacted. COPAZ has also recently recommended to the Assembly a number of constitutional reforms to deconcentrate the functions of the Supreme Court of Justice and further protect individual rights, in compliance with the relevant recommendations of the Commission on the Truth. Some constitutional amendments were eventually approved before the expiry of the Assembly's mandate on 30 April 1994. Although making some progress on both matters, they fall short of both the Commission's recommendations and the COPAZ proposals.

10. Work in the Forum for Economic and Social Consultation continued until mid-December, although its plenary sessions were suspended in November upon the withdrawal of the business sector. Having failed to reach a consensus on reforms to the Labour Code, the Government presented to the Legislative Assembly a draft that included some, though not all, of the points suggested by the International Labour Organization (ILO). The draft became law on 21 April 1994. Following the elections, intentions regarding resumption of the Forum's work remain unclear.

II. MILITARY ASPECTS

A. Organic structure

11. On 1 May 1994, ONUSAL had a strength of 22 military observers from Brazil, Canada, Colombia, Ireland, Spain, Sweden and Venezuela, and 7 medical officers from Argentina and Spain, deployed at headquarters and at two regional offices covering the entire territory of El Salvador. The corresponding strength on 1 November 1993 was 31 military observers and 7 medical officers.

B. Recovery of military weapons held by private individuals

12. Since the entry into force on 11 January 1994 of the Law for the Control of Weapons, Munitions, Explosives and Related Artifacts approved by the Legislative Assembly on 9 December 1993, ONUSAL has been verifying the replacement by the Armed Forces of El Salvador of registered military weapons in the hands of state authorities or institutions with other arms authorized by the above-mentioned

law. Weapons in the possession of penitentiaries and a small number still in the hands of Salvadorian personalities remain to be replaced.

13. With regard to unregistered military weapons held by private individuals - civilians or discharged military personnel - the Government had undertaken to recover them through an information campaign that would begin immediately after approval of the relevant law. However, very few weapons were surrendered to the Armed Forces of El Salvador during the period stipulated by the law. It is clear that a great many such weapons remain in the hands of individuals, either because insufficient information was provided or because of reluctance to hand them over. Because of repeated delays, what should have been an urgent process has been extremely slow and as a result the problem of arms proliferation continues to be a source of concern in El Salvador. Because of the relevance of the problem to the current crime wave, it is imperative that the Government take urgent concerted action to ensure the handing over of those weapons to the authorities.

C. Clearing of minefields

14. After various interruptions, the demining process, which began on 15 March 1993, concluded on 30 January 1994 with the clearing of some 425 minefields and the disposal of over 9,500 mines of various types. ONUSAL military observers participated actively in helping to overcome the problems that arose in the programme and in ensuring its successful completion.

15. ONUSAL military and police observers are taking part in a follow-up programme for the destruction of explosive artifacts, organized jointly by the Government of El Salvador, the United Nations Children's Fund (UNICEF), FMLN, the Armed Forces of El Salvador and the National Civil Police. To date, 845 of the roughly 900 artifacts uncovered so far have been destroyed. Current financial problems in the programme are being resolved by the Government with external financial assistance.

D. Compensation of demobilized members of the Armed Forces of El Salvador

16. As a result of an agreement signed on 15 December 1993 between the Government and the Association of Demobilized Personnel of the Armed Forces of El Salvador, compensation equivalent to one year's pay, as stipulated in the Peace Accords, has been made to 6,000 of the 18,000 demobilized members of the Armed Forces of El Salvador. Agreement was reached on 28 January 1994 to continue with the indemnities and to conclude payments on 30 June 1994. In subsequent conversations between the Government and the Association, with ONUSAL mediation, it was agreed to accept 31 December 1993 as the final demobilization date; to include certain administrative personnel of the Armed Forces of El Salvador as beneficiaries; and to establish a mechanism for the investigation of complaints. The agreement is, however, awaiting the written government ratification requested by the Association.

E. Other matters

17. As anticipated in November 1993 (see S/26790, para. 14), ONUSAL has continued to follow up intelligence activities of the Armed Forces of El Salvador to verify that they conform with the doctrinal principles set forth in the Peace Accords and derived from the amended Constitution. Frequent contacts with both the Joint Chiefs of Staff of the Armed Forces and the State Intelligence Agency have enabled ONUSAL to verify the existence of an increasing delimitation and specialization of functions in each of these services. It is important that ONUSAL sustain its verification activities in this area.

18. With regard to the files of the disbanded National Intelligence Department, it has been verified that these continue to be in the care of the Joint Chiefs of Staff of the Armed Forces. This body, however, has informed ONUSAL that it can review the contents of the files.

19. ONUSAL military observers maintain their contacts with the Armed Forces at various levels and, as requested by the Government, continue to verify and destroy arms. They also collaborate with the Police and Human Rights Divisions on various issues, such as the investigation of armed bands in the country, and they maintain a reassuring presence in former conflict areas.

III. PUBLIC SECURITY MATTERS

A. Police Division

20. The Police Division, which has an authorized strength of 353, has a current strength of 268 police observers from Austria, Brazil, Chile, Colombia, France, Guyana, Italy, Mexico, Spain and Sweden. Its task remains to monitor and assist the National Police until its complete replacement by the National Civil Police (see para. 47).

21. The Division has also sought actively to observe the performance of the National Civil Police in order to verify compliance with the Peace Accords. For some months after October 1993, it was not able to carry out this task satisfactorily owing to a lack of cooperation by the National Civil Police (see also paras. 30 and 42). However, in early March 1994, a small cooperation programme was started with the provision by ONUSAL police observers of training and advice to the National Civil Police Highway Patrol Unit. Arrangements are also now being made to establish a technical assistance programme that will enable recent graduates of the National Public Security Academy to benefit from the expertise and experience of the ONUSAL Police Division in a variety of subjects. This support will complement that currently being provided by the team from the United States of America that advises and assists the National Civil Police.

22. The Police Division also supports the Division of Human Rights, to which 20 police observers are seconded. Police observers conduct special inquiries when required and verify that appropriate security measures are provided for FMLN leaders, as established by the Accords. Police Division personnel also oversee

the admission examinations at the Academy and from late 1993 they supported the activities of the Electoral Division.

B. National Public Security Academy

23. The National Public Security Academy, which is responsible for the training of recruits to the National Civil Police, started its activities on 1 September 1992, four months behind schedule. Following the recent graduation of its thirteenth basic-level class, the Academy has produced a total of 3,923 basic-level and 102 executive and senior-level police. It is now training an additional 2,218 basic-level and 131 executive and senior-level students and it intends to graduate a total of 5,700 agents by 20 September 1994. About 240 officers will have graduated by late July 1994, as envisaged in the Accords. While the Government devoted 97,708,574 colones (US$ 11,230,870) of its own resources to the Academy in 1992 and 1993, the budgetary allocation for 1994 is 89,760,970 colones (US$ 10,317,351).

24. The Government will soon need to take important decisions regarding the pace of monthly intakes and graduations and the duration of the training courses at the Academy after the transition period, which should expire on 31 October 1994. The length of training courses could be increased in the future to improve academic quality. Simultaneously, the Academy will probably need to give increasing importance to further specialized training and to the retraining of those National Civil Police officers and agents who were deployed in the first two years with only very basic academic preparation. These retraining courses would be of special value for officers and agents with military background (especially those originating from the Criminal Investigation Commission and the Special Antinarcotics Unit), who did not attend the normal courses at the Academy. Special courses will have to be designed to train the basic-level commanders who will replace those personnel who have been carrying out those tasks on a provisional basis.

25. During the month of May, the Academy will carry out its first annual evaluation of the members of the new police force, as mandated by the Accords. This evaluation will provide the Academy, inter alia, with an indication of its own strengths and weaknesses, thus enabling it to undertake a thorough revision of its study plans and an assessment of its teaching staff. ONUSAL has identified consistent deficiencies in the training of members of the civil police in legal matters and the use of force and firearms. It has also observed a considerable imbalance in favour of former members of the National Police in the composition of the team of National Civil Police monitors responsible for discipline at the Academy. ONUSAL's position is that if this imbalance is not addressed it could jeopardize the civilian character of the new police force, notwithstanding the Government's recent insistence that the idea of militarizing the National Civil Police has never arisen.

26. The Academy has continued to receive the support of an international team of experts from Spain and the United States of America that advises the Director and the Academic Council on aspects such as the recruitment and selection process, curricula, finances and discipline. Instructors from Chile, Norway, Spain, Sweden and the United States play a full part in the training.

Currently, the Academy has a total of 40 international experts and instructors. Since it is essential that this international support be maintained, ONUSAL has, at the Government's request, asked those countries providing technical cooperation to extend it at least until December 1994. One of the most important tasks of the international team in the coming months will be to train the Salvadorian instructors who will replace it.

27. ONUSAL continues to monitor the functioning of the Academy and is represented at its Academic Council by an observer who speaks when important matters related to the Accords are raised. ONUSAL also cooperates with the Academy at other levels, especially with its Admissions and Selection Committee. It monitors the admission examinations and recommends improvements when necessary. The Division of Human Rights organizes, jointly with the Academy, seminars and workshops on human rights, and continues to provide literature on the subject. ONUSAL remains ready to provide personnel from its Police and Human Rights Divisions to support and complement the efforts of the international technical team and, at the request of the Academy, will provide support to the first annual evaluation of the National Civil Police.

C. National Civil Police

28. The National Civil Police, which began operating in March 1993, is now deployed in seven departments, in the urban areas of two more departments and in large sections of San Salvador. Deployment in the last four departments and in other rural areas where the National Police is still in charge of public security is to take place by the end of September 1994. At that date the National Civil Police should have replaced the National Police in all 14 departments of El Salvador, though this is two months later than envisaged in the Peace Accords. However, the Government recently indicated that the National Police would not be phased out until March 1995 as current crime levels in the country required more than the 5,700 National Civil Police agents envisaged in the Peace Accords (see para. 47).

29. The National Civil Police Divisions of Public Security, Antinarcotics, Criminal Investigations and Protection of Eminent Persons are currently operational, although the last three function largely with agents who are not graduates of the Academy. The Government should therefore encourage the specialized training of Academy graduates in order to incorporate them into these divisions. Although close to 250 agents have already undergone specialized training in traffic control and finance, both divisions are far from being fully operational. While members of the former are currently receiving additional training from ONUSAL (see para. 21), the Finance Division only deployed its first contingent on 11 May, over five months behind schedule. The deployment of the Finance Division must be accelerated as the Division should gradually replace the Customs Police, which is due to be demobilized on 31 October 1994 at the latest (see para. 45). The training of members of the Border Division has begun belatedly, given that its deployment should have started in early April; and the training of members of the Arms and Explosives and Environmental Divisions needs to be initiated if they are to begin their planned deployment in early June and during the second semester of 1994, respectively. ONUSAL has offered the Government the assistance of its police

observers in the organization and implementation of the functional deployment of the National Civil Police and a response is awaited.

30. As I informed the Council in my November 1993 report (S/26790, paras. 31 and 32), ONUSAL has received little cooperation from the Government and the National Civil Police in its efforts to verify the incorporation, in accordance with the complementary agreement of 22 December 1992, of former Special Narcotics Unit and Criminal Investigation Commission personnel into the Antinarcotics and Criminal Investigations Divisions of the National Civil Police.

31. In order to correct the irregularities in the transfer to the National Civil Police of these personnel with military background, ONUSAL reached an agreement with the Government on the setting up of a Select Review Committee composed of the Directors-General of the National Civil Police and the Academy and the United States technical adviser to the National Civil Police. An ONUSAL representative participated in the Committee as a verifier. On 10 February 1994, the Committee decided that the Government should provide a complete list of the candidates for incorporation into both units, indicating whether or not they had attended the special Academy course, and the marks obtained in the psychotechnical and conceptual examinations, which they had taken on the recommendation of ONUSAL. Only those candidates who had attended the special course and passed the examinations could be accepted into the National Civil Police. ONUSAL has not yet received that list.

32. The Select Review Committee also decided that, before joining the National Civil Police, officers of the Special Antinarcotics Unit and Criminal Investigation Commission would have to pass a special resident course at the Academy on the new civil police doctrine. Attendance at an additional special resident course would be required from agents who had joined both units after the complementary agreement of 22 December 1992. On 11 April 1994, the first two courses for officers and agents, of five and two weeks' duration respectively, started at the Academy. Similar courses were recommended by the Select Review Committee for the remaining members of both units.

33. The Committee also agreed to take necessary action if charges of serious human rights violations raised by FMLN against 46 members of the Special Antinarcotics Unit were corroborated. Thus far, no evidence has been produced.

34. The Committee also stated that former members of the Special Antinarcotics Unit and the Criminal Investigation Commission could join only the Antinarcotics and the Criminal Investigations Divisions of the National Civil Police and could not be assigned to duties outside those divisions until after December 1994. For its part, ONUSAL has made it clear that the officers of those units can at no time hold command positions in other divisions or in the departmental delegations of the National Civil Police without undergoing the regular Academy courses for officers. Furthermore, the Committee recommended that the Government start to train Academy graduates in antinarcotics and criminal investigation so as to incorporate them into the corresponding divisions of the National Civil Police. ONUSAL has recently ascertained that many of the former sergeants of the Special Antinarcotics Unit enrolled in the National Civil Police as sub-inspectors are now responsible for criminal investigations in a

number of delegations of the National Civil Police, instead of working in their area of specialist expertise.

35. The appointments given to former personnel of the Special Antinarcotics Unit and the Criminal Investigation Commission also suggest discrimination against those personnel who joined the National Civil Police in compliance with all the requirements established by the Peace Accords. Although they did not undergo the normal course for senior-level officers at the Academy, the current chiefs of the Antinarcotics and Criminal Investigations Divisions, both of them former members of the Special Antinarcotics Unit and the Criminal Investigation Commission respectively, have been enrolled into the National Civil Police as Commissioners. With the Deputy-Director for Operations, there are now three commissioners in the National Civil Police, all of them former members of the Special Antinarcotics Unit and the Criminal Investigation Commission. 2/ So far, no Academy graduates have been granted the rank of commissioner. Likewise, 12 Special Antinarcotics Unit officers and 7 from the Criminal Investigation Commission have been enrolled as subcommissioners, while 44 sergeants of the former unit have joined as sub-inspectors (see para. 34). It must be noted that it is only after successfully undergoing a one-year course at the Academy that senior and executive-level graduates become subcommissioners and sub-inspectors, respectively. FMLN has objected to these appointments, indicating its understanding that under the complementary agreement of 22 December 1992 such personnel should join the National Civil Police only as specialists.

36. These developments have affected the delicate balance in the command structure of the police, which constitutes a key element in the Accords, under which 60 per cent of all positions should be occupied by personnel who did not participate directly in the armed conflict, 20 per cent by former National Police (military) members and 20 per cent by FMLN ex-combatants. Indeed, as a result of the above-mentioned enrolments, 30 subcommissioners in the new police force belonged to the old public security system, while only 7 are from FMLN and only 17 are civilians. Recent appointments of division and departmental chiefs also appear to favour former personnel of the previous security bodies. ONUSAL has raised this matter with the Government.

37. Similar imbalances exist at the basic level of the new police. While the National Police filled its 20 per cent share at the Academy months ago, FMLN has not been able to present enough candidates to fill its 20 per cent quota, and as a result only 13 per cent of Academy recruits are from FMLN. The incorporation into the National Civil Police of former Special Antinarcotics Unit and Criminal Investigation Commission members who had previously been part of the National Police has increased the latter's share significantly.

38. All these imbalances run counter to the letter and spirit of the Peace Accords and need to be urgently redressed in order to avoid further militarization of the new civil police. As requested by ONUSAL, it is essential that the Government provide the Academy with lists of former personnel of the Treasury Police, National Guard and elite battalions (immediate reaction infantry battalions) to enable ONUSAL to verify whether or not members of those bodies have been admitted to the Academy as civilians (see S/26790, para. 25). The Government should also provide ONUSAL with complete lists of current members of the National Police in order to verify that they do not join the Academy as

civilians. This is especially important in view of information received by ONUSAL that former National Police personnel are being hired to fill technical posts within the National Civil Police.

39. In my November 1993 report (S/26790, para. 35), I informed the Council that it was essential to complete the organic structure of the new police with the immediate appointment of its Inspector-General and the establishment of the disciplinary and control units. The Government has indicated that the Inspector-General will be appointed by the new Minister for the Interior and Public Security who will assume his functions with the next administration. Since it is to this Ministry that the civil police will be subordinated in the future, its creation and the appointment to its higher posts of civilians with impeccable credentials will be among the most important tasks of the new Government.

40. The Director-General has now appointed the heads of the units on disciplinary investigation and control and the former unit has been operational for two months. ONUSAL, however, has received complaints that the National Civil Police has failed to take forceful action and to cooperate with the judiciary when its agents are reported to have been involved in unlawful behaviour. The Director-General of the National Civil Police has been meeting with the heads of the two units, in the presence of ONUSAL, with a view to correcting this situation. The control unit has yet to be provided with the human and material resources and legal framework that will permit it to begin the important task of supervising all police services.

41. The budget allocation of the National Civil Police for 1994 is 291,826,360 colones (US$ 33,543,259), compared with expenses of 84,267,524 colones (US$ 9,685,922) for the years 1992 and 1993. This represents a sizeable increase in the last six months in the resources provided to the National Civil Police by the Government. While in November 1993 the National Civil Police had 67 vehicles, 31 motorcycles and 134 portable radios, it now has 257 vehicles (30 of them donated by the United States Government, which has offered to deliver an additional 170), 35 motorcycles and 670 portable radios. The National Civil Police is in the process of installing a very modern communications system and most of its vehicles contain mobile radios. Having purchased a total of 4,000 handguns and 1,000 rifles, it now has at its disposal some 4,440 guns and 1,020 rifles, including those on loan from the Armed Forces of El Salvador. This equipment, which does not include that belonging to the Antinarcotics and Criminal Investigations Divisions, is considered to be sufficient to meet the needs of the 4,000 graduates currently deployed. Nevertheless, civil police premises still need considerable improvement.

42. ONUSAL has detected the following four main weaknesses in the functioning of the National Civil Police:

(a) There is an absence of clear guidelines and criteria regarding legal and police procedures, a problem that is compounded by deficiencies in the legal instruction received at the Academy. The unit for control of the National Civil Police should play an important role in providing such guidelines and supervising their implementation;

(b) There is insufficient coordination between the police and the Academy. One way to improve this could be to set up a permanent coordinating mechanism between the two institutions. The forthcoming evaluation of National Civil Police members by the Academy should be useful in bringing both institutions closer;

(c) There is a lack of coordination in the activities of the police, the judiciary, the Attorney-General's Office and the National Counsel for the Defence of Human Rights. The fight against crime and the simultaneous strengthening of democratic institutions can only be successful if there is a joint inter-institutional effort;

(d) In September 1993, in what can only be termed a self-defeating move, the Government did not request the extension of the technical assistance that ONUSAL had provided to the National Civil Police since April (see S/26790, para. 19), thereby depriving the new police of valuable support. Since then, in contrast to the welcome initially given to the new corps by the population, complaints of human rights violations by the National Civil Police have increased. In addition, both the Police and Human Rights Divisions of ONUSAL have faced serious difficulties in carrying out their verification activities as police units have been instructed not to cooperate with ONUSAL.

43. With a view to overcoming these weaknesses, ONUSAL has offered to resume the provision of technical assistance to the civil police and the terms of reference for the provision of such assistance are currently being discussed. It is encouraging that the Government has expressed interest in taking advantage of the experience and expertise of ONUSAL personnel in the field. The Director-General of the National Civil Police has recently asked ONUSAL to contribute to the legal training of his personnel and has produced jointly with the Division of Human Rights a set of guidelines on legal and police procedures to serve as a basis for the training of the National Civil Police officers and agents. This training is to be carried out jointly by the National Civil Police and ONUSAL, which have also established a coordinating mechanism for processing complaints of human rights violations and facilitating the Mission's verification duties.

D. National Police

44. Between October and December 1993, the National Police demobilized 900 agents. In January 1994, the Government announced the suspension of demobilization but subsequently informed ONUSAL of the demobilization of a further 900 agents between January and March. ONUSAL has requested an explanation of this apparent contradiction. Thus far, only around 10 per cent of all demobilized personnel have registered for reintegration programmes (see para. 46). According to the Government's phasing-out plan, a further 5,900 agents and over 1,000 administrative personnel currently deployed in four departments and parts of three other departments will have to be discharged before the 31 October 1994 deadline established by the Accords. ONUSAL has continued to urge the Government to accelerate the reduction of the National Police and to bring its phasing-out into line with the deployment rate of the National Civil Police.

45. The Peace Accords also call for the dissolution of the 1,211-strong Customs Police. The Government has committed itself to its demobilization, once the Finance Division of the National Civil Police becomes operational. As indicated above (para. 29), the first contingent of the Finance Division has been deployed. However, the Government has yet to announce its plan for the demobilization of the Customs Police.

46. The initiation of reintegration programmes for demobilized National Police personnel has suffered very serious delays (see also para. 86). Thus far, only 15 per cent of potential beneficiaries have participated in the counselling phase of the programmes and, as noted above, only 10 per cent of the reported 1,800 demobilized agents have registered in programmes. Decisive action will be needed by the agencies involved and by the National Police itself to ensure successful implementation of the programmes. In compliance with the Accords, a special effort by the Government will be required in order to ensure compensation equivalent to one year's pay to every demobilized National Police member.

47. Recently, the Government has proposed a redefinition of the agreed arrangements governing public security during the transition period, in order to ensure that when the National Civil Police replaces the National Police completely it will have more than the 5,700 agents referred to in the Accords. The changes proposed by the Government would delay until at least 31 March 1995 the full deployment of the National Civil Police scheduled for September 1994 and the parallel phasing-out of the National Police, which in conformity with the Peace Accords should be concluded by 31 October 1994. It has also expressed interest in negotiating with FMLN the incorporation into the National Civil Police of more National Police, whose quota has already been exceeded (see para. 37). ONUSAL insists that any such alterations must be previously agreed between the parties to the Accords and must be implemented in a way that preserves the fundamental characteristic of the National Civil Police as a single and truly civilian police force nationwide.

IV. COMMISSION ON THE TRUTH

48. Some progress has been achieved since my last report towards compliance with the recommendations of the Commission on the Truth. Before expiry of its term on 30 April 1994, the Legislative Assembly approved several constitutional reforms regarding the judiciary, which include the deconcentration of some of the functions held by the Supreme Court and the protection of individual rights. The amendments should be ratified by the current legislature, which initiated its work on 1 May.

49. In November 1993, the Christian Democratic Party had presented several draft reforms that would have complied with the Commission's recommendations. The initiative was not successful, however, since a majority of the Assembly was then opposed to discussing constitutional reforms during the electoral campaign, which opened on 20 November. The question was revived as the campaign drew to a close in March 1994. In April 1994, a number of legislators from the Christian Democratic Party and the Democratic Convergence, as well as independent legislators, agreed to promote reforms on the basis of drafts submitted to them

by the Federation of Lawyers Associations. Proposals were soon put forward by various other organizations.

50. Significant progress was also achieved in COPAZ, which for several months had been unable to tackle the question because of lack of consensus. In a letter sent to me on 14 April 1993, COPAZ reported that it had recommended to the Legislative Assembly a number of constitutional amendments whose approval would have entailed a significant devolution of the Court's functions and improvement in the guarantees of due process.

51. Several reforms were finally approved by the Legislative Assembly on 29 April, but they fell short of the Commission's recommendations and the COPAZ proposals. No amendments were made to provisions regarding the appointment of judges and magistrates and their dismissal. These remain functions of the Court. According to the recommendations, these functions were to be removed from the Court and become the responsibility of the National Council of the Judiciary.

52. The power to suspend lawyers and notaries in the exercise of their profession was removed from the Court, as recommended, and assigned to a new entity, the National Council of Lawyers and Notaries. The five members who will constitute this Council will be elected by a two-thirds vote by the Legislative Assembly. Three of them will be elected from candidates put forward by the Supreme Court of Justice (one), the National Council of the Judiciary (one) and the Federation of Lawyers Associations (one). The remaining two will be elected directly by the Assembly from among professionals meeting the requirements established by the Constitution. The authorization of lawyers and notaries, however, which was also to be transferred to an independent entity, remains within the Court's responsibility.

53. Authority as regards granting habeas corpus was assigned to lower courts, as recommended. The Supreme Court is henceforth to deal only with those cases involving the trial of high government officials or revisions of lower judges' decisions denying the release of detained or arrested persons. The right to habeas corpus is applicable in cases of violations against the dignity or physical integrity of detainees and, in general, to all illegal or arbitrary detentions.

54. Authority concerning amparo, until now a function of the Court's Constitutional Division, has now been expanded to its other Divisions, depending upon the matter under consideration. No provision has been made, however, to extend it to lower courts, as recommended.

55. The Legislative Assembly is to approve an allocation of not less than 4 per cent of the national budget to the Judicial Organ. This allocation will also include the National Council of the Judiciary and the National Council of Lawyers and Notaries. The Assembly will also approve a 2 per cent minimum budgetary allocation to be distributed among the institutions comprising the Public Ministry.

56. The provision that dismissal of members of the National Council of the Judiciary requires a two-thirds majority of the legislature, which had already

been approved through a reform of the relevant law, has now been incorporated into the Constitution.

57. Several amendments have been approved with regard to due process. They include, among others, the maximum period for detentions due to administrative misdemeanours, which has been reduced from 15 to 5 days. Although an improvement in comparison with the previous stipulation, this amendment falls short of recommendations made by the Commission on the Truth and the Division of Human Rights of ONUSAL.

58. Detainees' rights have been reinforced, in particular the right to be notified by the authority responsible for their detention, to refrain from self-incrimination and to a timely and appropriate defence. Extrajudicial confessions have also been eliminated, as a specific provision was made to the effect that detainees' confessions will have legal consequences only when made in the presence of the competent judicial authority and according to law.

59. Amendments involving individual rights were in general approved in the Legislative Assembly by consensus. Amendments relating to the judiciary did not obtain the favourable vote of all legislators belonging to the Christian Democratic Party or the Democratic Convergence, who had proposed more drastic reforms. In addition to those amendments, the Legislative Assembly, by a majority of votes, modified the terms of state grants for public services and the functioning of the Court of Accounts.

60. The amendments approved, which imply a partial reduction of the Supreme Court's highly concentrated power and considerable improvement in the guarantees of due process, do not, however, entail the in-depth institutional overhaul of the judicial system recommended by the Commission on the Truth. It is to be hoped that, following prompt ratification by the current Legislative Assembly, secondary legislation as well as administrative and budgetary measures will be adopted to put into practice the progress achieved. This, however, does not obviate the need to revert to further constitutional reform if full compliance with the recommendations of the Commission on the Truth is to be achieved. It is regrettable that this opportunity has been lost and that such compliance will have to wait another three years.

61. The Legislative Assembly has recently adopted the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. However, reservations were expressed with regard to the competence of the Committee against Torture to investigate reliable information about the systematic practice of torture, to transmit its findings and the suggestions it deems pertinent, and to include a summary thereof in its annual report to the States parties and to the General Assembly. It is essential that this competence of the Committee against Torture be recognized as part of the monitoring of legality and of mechanisms for the protection of human rights. Reservations also apply to the recognition of the competence of the International Court of Justice to deal with controversies in relation to the interpretation or application of the Convention. El Salvador's adherence to the Convention is therefore partial and the recommendation of the Commission on the Truth on this point has not been satisfied.

62. Still to be ratified are the Optional Protocol to the International Covenant on Civil and Political Rights, the American Convention for the Prevention and Punishment of Torture and the Additional Protocol to the American Convention on Human Rights relative to Economic, Social and Cultural Rights (San Salvador Protocol), which should be effected as soon as possible. Furthermore, El Salvador is the only Central American country that has not recognized the mandatory competence of the Inter-American Court of Human Rights, the importance of which ONUSAL has consistently underlined.

63. Other recommendations of the Commission on the Truth and by the Division of Human Rights of ONUSAL that have not yet been implemented include the endowment of the National Counsel for the Protection of Human Rights with budgetary autonomy and the creation of a fund for the compensation of victims of human rights violations.

64. The Division of Human Rights has underlined the importance of following a strict timetable for the adoption in the Legislative Assembly of the drafts proposed by the Government relating to the criminal and criminal procedural codes, and draft laws on penitentiaries, a code of conduct for officials responsible for law enforcement, and other reforms that are important for the protection of human rights.

65. With respect to the dismissal of military or civilian officials and their disqualification from holding public office, clarification from COPAZ was sought regarding a letter it had sent to me on 9 August 1993 (see S/26581, para. 11) stating its position on these provisions. In a letter dated 31 January 1994 addressed to the Under-Secretary-General for Political Affairs, the pro tempore Coordinator of COPAZ stated that its previous communication should be interpreted as a request that non-implementation of those recommendations not be regarded as a violation of the Accords.

V. ECONOMIC AND SOCIAL ISSUES

A. Land transfer programme

66. In my last report, I pointed out that the land programme, as agreed by the parties on the basis of the Secretary-General's proposal of 13 October 1992, had been proceeding at a very slow pace. In August 1993, the Government presented a plan to accelerate land transfers to former combatants of FMLN and landholders, the Acceleration Plan. It is evident that while the Government's wish to overcome the delays that had beset the programme must be welcomed, the Acceleration Plan can be a positive contribution to the overall peace process only if it is conceived as a means of implementing existing agreements - Chapultepec and the 13 October programme - rather than as a substitute for them.

67. The Acceleration Plan was supplemented in mid-November with operative guidelines, which spelt out in concrete terms how the Plan would be implemented. By that time, only 4,424 persons had received title to land. This represented less than 10 per cent of the maximum 47,500 potential beneficiaries from FMLN and the Armed Forces of El Salvador contemplated in the 13 October programme. In spite of some progress, the target of providing titles to 12,000 persons by

the end of the year, which had been accepted as feasible by both the Government and FMLN, was not met. In fact, by 31 December 1993 only 6,261 persons, slightly over half the target, had received title. Four months later, at the end of April 1994, this figure had reached 11,585, representing an increase from 10 to 24 per cent of the maximum number of beneficiaries, but still below the end-of-year target.

68. Although the Acceleration Plan has facilitated land transfer in the short run, it has raised new problems for completion of the programme in the longer term. The main objection raised by FMLN to the operative guidelines presented in November 1993 was the fact that, as a result of the new verification rules imposed by the Government, potential beneficiaries were losing the rights recognized for them in the 13 October programme. The total number of FMLN beneficiaries contemplated in the Plan was approximately 25,000 instead of the 32,500 (7,500 ex-combatants and 25,000 landholders) contemplated in the 13 October programme. The latter programme is still the only valid agreement between the two parties and it must therefore remain the basis on which ONUSAL verifies compliance.

69. More worrying was the provision in the operative guidelines for eviction of those who were occupying properties that had not been applied for by the 25,000 beneficiaries envisaged. FMLN objected to this as contrary to the Chapultepec and 13 October agreements, which stipulated that landholders occupying land at the end of the conflict would not be evicted until the Government had found an acceptable solution to their land tenure problem.

70. In addition to those left out of the programme as a result of the new verification rules, there remained the problem of the so-called "non-verified" landholders. With regard to these, the Government had agreed at the 8 September 1993 high-level trilateral meeting (Government/FMLN/ONUSAL) that non-verified landholders would be dealt with at the end of the programme, as resources became available. FMLN accepted this at the time. In November 1993, the difficulty of transferring properties on which there were non-verified occupants (and the impossibility in most cases of relocating them), led me to ask the Government to show flexibility by accepting as many non-verified people on the negotiated properties as possible (S/26790, para. 52). The Government subsequently accepted all non-verified landholders (2,900 people) on the properties that were transferred during the first phase of the Acceleration Plan. This welcome flexibility unquestionably provided some impetus to the programme.

71. In February 1994, although the first phase of the Acceleration Plan had not yet been fully implemented, the Government presented a second phase. This has raised a number of problems, which are discussed below.

72. The problem of the non-verified landholders has surfaced again and with a new dimension. On 13 April 1994, after much delay, FMLN finally presented a list of all landholders whom they wanted included as beneficiaries in the programme, in addition to the 25,000 who had earlier been reverified by the Government. These "non-verified" landholders amount to 7,285 people. The total of beneficiaries would still be below the maximum of 32,500 for FMLN ex-combatants and landholders specified in the 13 October programme.

73. The Government was under no obligation to include them now because of the agreement that they would be dealt with at the end of the programme, as accepted by FMLN on 8 September 1993. However, the impossibility of proceeding with the transfer of properties containing non-verified landholders has again brought the programme to a virtual standstill. In search of a solution, my Special Representative has been meeting with government officials and representatives of major donor countries to find ways to finance the early transfer of land to non-verified landholders. I am glad to report that, in its letter dated 5 May 1994, the Government has informed my Special Representative that financing is now available to cover transfer of land to all potential beneficiaries, including the non-verified landholders, thus removing one of the most serious obstacles to the implementation of this programme.

74. The second phase of the Acceleration Plan has raised new problems by contemplating the issue by the Land Bank of credit certificates to potential beneficiaries. The latter would then negotiate terms for purchase of the land directly with landowners. FMLN has objected to the fact that these certificates have an expiry date (30 April 1995). Given past problems with land transfers and the fear that these might now worsen (since FMLN beneficiaries will be negotiating directly with the landowner without much technical assistance), the possibility that beneficiaries' entitlement might expire at a fixed date would be most disturbing. ONUSAL has reported the reaching of an understanding that the certificates could be renewed upon expiry. Justifiable concerns would be alleviated further and compliance with the 13 October programme restored if this understanding were to be made explicit in the certificates.

75. The ceiling specified in the certificates for the credit to be provided is also at variance with the 13 October programme and requires a formal agreement by the parties to be amended. In that programme, the Government committed itself to transfer certain quantities of land to FMLN beneficiaries, following the criterion of the Salvadorian Institute for Agrarian Reform whereby the size of a lot varies according to soil type. At current prices and exchange rates, the ceiling of 30,000 colones specified in the certification may be sufficient. However, in the event of a large devaluation or increases in land prices, the potential beneficiaries would not have access even to the small plots provided for in the programme. Though such an eventuality may be unlikely, it would be prudent to make provisions to safeguard against it.

76. A solution needs also to be found for the problem of human settlements (referred to in the agreements as predios e inmuebles). As stated in my last report (S/26790, para. 55), FMLN wants them transferred as they exist, with all the infrastructure and en bloc. This is a pressing issue since as many as 60 per cent of the properties to be distributed under the second phase of the Acceleration Plan fall into this category. These communities have an important infrastructure built up over the years, which their members would lose by relocating to other rural areas. For this reason, they would refuse to leave if owners did not want to sell, could not be found or had no title to the land to be transferred. A solution that does not entail breaking up these communities therefore needs to be found. The Government has agreed to present a plan to this effect two weeks after FMLN submits relevant information from these communities concerning the number of people and properties that they want included in the land programme.

77. Various points of tension extraneous to the land programme persist, especially in the properties contemplated in the agreement signed on 3 July 1991 between the Government and the peasant organizations and incorporated into the land programme, for which a satisfactory solution has not been found. This has led many owners to initiate legal actions for eviction and has resulted in land occupations by various peasant groups. Early in May, new tensions arose following the eviction of peasants from a property in Sonsonate.

B. Reintegration programmes

78. With considerable difficulty, ONUSAL has continued to work with the parties and with the United Nations Development Programme (UNDP) to promote implementation of the various medium-term programmes designed for ex-combatants of the Armed Forces of El Salvador and FMLN, as well as supporters of the latter who became landholders in the former zones of conflict. The many problems besetting these programmes were analysed in some detail in my last report. Administrative problems, financial constraints and lack of full cooperation apparently reflecting a lack of political will in the mid-level bureaucracy have contributed in different degrees to serious delays.

1. FMLN ex-combatants

79. After much delay, all medium-term programmes for FMLN ex-combatants have now started. At weekly coordination meetings, the parties and ONUSAL are trying to improve communication and facilitate the solution of problems as they arise. The programme providing credits for small business has begun only recently, and only 322 of the 1,597 potential beneficiaries who were scheduled to receive credit by June 1994 have so far benefited from the programme. Those who have received credit are now supported by a two-year technical assistance programme.

80. On 31 December 1993, 3,634 agricultural credits for ex-combatants of both sides had been disbursed. The number of beneficiaries in the first three months of 1994 was only 271, in spite of the fact that this was a crucial period, just before the planting seasons started. The separate credit line for landholders was equally sluggish. As at 31 December 1993, 1,446 credits had been disbursed. In spite of ONUSAL's repeated requests, the Banco de Fomento Agropecuario has not provided updated information.

81. In addition to the lack of credit, the majority of demobilized Armed Forces of El Salvador and FMLN personnel who received title to land are still not able to cultivate in an effective way as a result of problems with the existing technical assistance programme. A new programme has been designed for the 1994/95 agricultural cycle, to be executed by the National Centre for Agricultural Technology. Since the Centre lacks the capacity to meet in full the demand for technical assistance, UNDP is preparing a proposal for a complementary programme that would make it possible to accommodate all beneficiaries of the land programme.

82. With regard to the programme for the 600 medium-level commanders (Plan 600), its training component has been completed and requests for

small-business credit are now being formulated. Although agreement has been reached on the terms of the credits, communication and coordination problems between the participating organizations have delayed the process. By 3 May, the first two credits had been disbursed, but the Government announced at the same time severe restrictions on technical assistance as a result of budgetary constraints. This is a matter of great concern since technical assistance is a crucial component of the programme. Without it the chances of success are minimal.

83. As to other programmes, that for medical care for the war-wounded and disabled ex-combatants concluded in March 1994, after several extensions. Those who require continuous care will be referred to the Protection Fund (see para. 85). The credit programme for housing is seriously delayed as a result of funding shortages.

2. Ex-combatants of the Armed Forces of El Salvador

84. The programmes for demobilized members of the Armed Forces of El Salvador were initiated later than those for FMLN ex-combatants. The short-term programmes are scheduled to end during the first six months of 1994. With regard to medium-term programmes, the most advanced are those for agricultural credit and technical assistance. Nevertheless, credit has been disbursed to only 712 beneficiaries and 1,182 have received technical assistance. Within the scholarship programme, 381 out of the 600 potential beneficiaries have started their studies. With regard to the credit programme for small business, 6,131 demobilized members of the Armed Forces of El Salvador have received training that makes them eligible to receive credit, but the credit programme contemplates only 1,597 beneficiaries. So far only 154 credits have been disbursed.

3. War-disabled

85. Implementation of the law creating the Fund for the Protection of Wounded and War-disabled as a Consequence of the Armed Conflict is still in the preparatory phase, although some progress has been made since my last report (S/26790, para. 70). Its Board of Directors started to function with considerable delay upon the late disbursement by the Government of funds required for pre-operational activities. The Board has thus been enabled to begin the setting up of its administrative structure and to proceed with the additional registration of potential beneficiaries. The Board will also revise the existing actuarial study to define the resources required to finance the benefits contemplated in the law. The budgetary allocation for the Fund's full operation should be approved upon completion of the study.

4. Demobilized National Police personnel

86. Reintegration programmes for the National Police, which are similar to those for demobilized FMLN and Armed Forces of El Salvador members, consist of three phases, namely, counselling, training and credit and technical assistance.

The first of these started on 15 February 1994 in six offices throughout the country. It was planned that programmes should begin with demobilized National Police, but when demobilization was suspended it was agreed that agents in active service could also enrol. As at 30 April, only 192 of the 1,800 demobilized agents had attended the counselling sessions. The National Police has not provided ONUSAL with concrete information on the whereabouts of the rest of those demobilized. Some 1,174 agents in active service entered the counselling phase.

C. Urban human settlements

87. The matter of urban human settlements, which involves houses vacated by their owners during the conflict and presently occupied by others, was dealt with at the high-level trilateral meeting of 8 September 1993. The Government agreed to address the problem outside the land programme and with additional financing after completion of a census carried out by COPAZ. In the census presented on 15 December 1993, COPAZ registered 1,373 houses, of which 752 are within the land transfer programme, thus reducing the problem of human urban settlements to the remaining 621 cases. The Government has since acquiesced in the design of a plan that could provide a solution to this delicate problem.

D. Forum for Economic and Social Consultation

88. In August 1993, the Forum agreed on an agenda that included the revision of several national laws related to labour conditions. They were the Labour Code, the Organic Law of the Ministry of Labour and Social Welfare, the Social Security Law and the status of public workers (see S/26790, para. 58).

89. Until the end of November 1993, the Forum concentrated on discussion of an International Labour Organization (ILO) proposal to reform the Labour Code. Although the three parties (representatives of Government, business and labour) came to an agreement on most of the proposals, 9 of the 49 points under discussion, which referred to important aspects of the right of labour to associate freely, remained unsettled. As I reported at the time (S/26790, para. 60), the business sector ceased its participation in the Forum when the electoral campaign began. Plenary sessions were thus suspended, although some work continued until mid-December.

90. On 13 December 1993, the Government presented to the Legislative Assembly a draft law to reform the Labour Code. It included most of the agreements achieved in the Forum while introducing new provisions and proposed to settle the nine disputed articles in a way that was considered unsatisfactory by the labour sector. The law was nevertheless passed with virtually no change on 21 April 1994. It provides for the establishment of a Labour Board with equal representation of the three parties but presided over by the Minister for Labour and limited to consultative functions within the structure of the Ministry of Labour.

91. With the conclusion of the elections, the future of the Forum remains unclear. Despite previous statements that it would return to the Forum after

the elections, the private sector now appears to consider the new Labour Board a substitute for the Forum. Contacts with the Government are under way to establish feasible alternatives. In any case, the agenda of August 1993 remains practically unchanged and the specific point on the status of public workers needs to be addressed as a matter of priority, since this group has been the source of most of the labour unrest in El Salvador in the past eight months.

VI. FINANCIAL NEEDS OF POST-CONFLICT PEACE-BUILDING

92. In my last report I pointed to the urgent need for additional resources to finance peace-related programmes in El Salvador, in particular those relating to the strengthening of the judiciary and other democratic institutions, including the National Civil Police, and those in support of human rights, including the National Counsel for the Defence of Human Rights. The need to finance crucial programmes for the reintegration of ex-combatants and their supporters into the civilian and productive life of the country was also mentioned in that context.

93. During the meeting of the Consultative Group held in Paris in April 1993, the Government reported a shortfall of $476 million to cover financial needs arising from the Peace Accords during the period from 1993 to 1996. In the Government's report to the Government Donors Meeting in March 1994, the shortfall for the same needs was shown to be some $376 million, distributed as follows: $51.1 million for the National Public Security Academy, $116 million for the National Civil Police, $7.8 million for the National Counsel for the Defence of Human Rights, $34.4 million for strengthening the justice system, $7.3 million for the National Council of the Judiciary and Judicial Training School, $6.8 million for the Supreme Electoral Tribunal, $37.5 million for compensation for the disabled, $63.7 million for the Land Bank, $18.7 million for housing, $14.2 million for agricultural credit and $17.9 million for small-business credit.

94. As I also indicated in my last report, donors have been generous in financing infrastructural and environmental projects but they have often been reluctant to finance some programmes directly related to the Accords that are crucial for peace consolidation. The Government's efforts in that regard, involving a total of $375 million, and those of the international community, involving grants or loans for an estimated total of $140 million for the period from 1993 to 1996, have been insufficient to cover all needs.

95. Although, as reported above (see para. 73), ONUSAL received a letter dated 5 May 1994 from the Government indicating that additional financing is now available for the transfer of land to all potential beneficiaries, including the 7,285 non-verified landholders, this will be effective only if it is integrated with agricultural credits and technical assistance for which additional financing is necessary. Other commitments undertaken by the Government in the context of the Peace Accords, such as the payment of financial compensation to demobilized Armed Forces of El Salvador and National Police personnel and credit for housing, still fall short of requirements.

VII. FINANCIAL ASPECTS

96. In its resolution 48/243 of 5 April 1994, the General Assembly, inter alia, authorized the Secretary-General to enter into commitments for ONUSAL in an amount not to exceed $3,895,900 gross ($3,612,300 net) for the period from 1 June to 15 September 1994, subject to the decision to be taken by the Security Council in respect of the Mission. Should the Council decide to continue the mandate of ONUSAL as recommended in paragraph 100 below, I will seek any additional resources required for the operation of the Mission during the extension period.

97. The cash flow situation of the ONUSAL special account remains critical. As at 15 April 1994, unpaid assessed contributions to that account amounted to some $24 million for the period from inception until 28 February 1994. In order to provide the necessary cash flow requirements of the Mission, a total of $9 million has been borrowed from the Peace-keeping Reserve Fund ($6 million) and from other peace-keeping accounts ($3 million). These amounts have not yet been repaid.

VIII. OBSERVATIONS

98. The timetable that forms part of the Chapultepec Accords provided that almost all aspects of the Peace Accords would have been implemented before the new Government emerging from the elections of March/April 1994 assumed office on 1 June 1994. The main exceptions were deployment of the National Civil Police and demobilization of the National Police, which were to be completed later, on 28 July and 31 October 1994 respectively. As to the land transfer programme, it became clear that it would have to be extended into 1995. It was therefore expected that at least a vestigial presence of ONUSAL would be required after 1 June 1994. As is evident from the present report, serious shortcomings in implementation of the Accords mean that on 1 June 1994 much will remain to be done, in spite of all the efforts in recent months to make up for lost time.

99. My concerns on this score were expressed in a letter I addressed to President Cristiani on 15 February 1994. In that letter I touched especially on delays in the programmes relating to public security, land transfer and other aspects of the reintegration of ex-combatants into civil society. I raised these concerns, as well as non-compliance with the recommendations of the Commission on the Truth, in my letter of 28 March to the President of the Security Council (S/1994/361). On 22 April 1994, I received a detailed reply from President Cristiani, in which he assured me, inter alia, of the Government's intention to comply fully with all the pending provisions of the Peace Accords and reaffirmed the irreversibility of the peace process. The President also offered explanations with regard to delays and difficulties experienced in the areas of concern mentioned in my letter to him, as well as in my letter to the President of the Security Council. It is nevertheless clear that the unresolved issues are of such importance as to make it even more necessary for ONUSAL to remain in existence for a further period with sufficient capacity to verify implementation of the outstanding provisions of the Accords and to make its good offices available to help resolve difficulties that may arise in that regard.

100. In this connection, it will be recalled that when the Government of El Salvador and FMLN asked the Secretary-General, in early 1990, to assist them in their efforts to achieve a negotiated solution to their long conflict, they set as goals not only the cessation of the armed confrontation but also the promotion of democracy, unrestricted respect for human rights and the reunification of Salvadorian society through the reintegration of the members of FMLN, within a framework of full legality, into the civil, institutional and political life of the country. 3/ The United Nations was asked to verify compliance with the agreements entered into by the parties. ONUSAL was established by the Security Council in order to conduct this verification and to use its good offices to promote compliance with the agreements, beginning with the San José Agreement on Human Rights of 26 July 1990 (A/44/971-S/21541, annex). The agreements include not only the Peace Accords taken as a whole but also the recommendations of the Commission on the Truth, which are mandatory under the Accords. I believe that the United Nations has a continuing responsibility, notwithstanding the delays that have occurred, to honour its undertaking to verify compliance with the Peace Accords, which were reached in negotiations carried out under its auspices, and that it is therefore necessary to extend the mandate of ONUSAL for a further six months, that is, until 30 November 1994.

101. During this period, I shall continue to reduce the size of ONUSAL as rapidly as implementation of the outstanding agreements permits. The Electoral Division has already been disbanded and the military component, which at its peak had a strength of 368, will be reduced by the end of May from 23 to 12 military observers. The main burden during the coming six months will fall on the core civilian staff in the Chief of Mission's office who are responsible for the all-important land transfer and reintegration programmes, on the Police Division, which has to verify the transfer of functions from the National Police to the National Civil Police throughout El Salvador, and on the Division of Human Rights, which, in addition to its tasks of verification, is already helping the National Counsel for the Defence of Human Rights to build up its capacity to assume responsibility for those functions when ONUSAL is withdrawn. The Chief of Mission's office and the Division of Human Rights will probably have to remain at more or less their current strength (16 and 30 international staff respectively) for the new mandate period, but I have approved a plan that envisages a progressive reduction in the strength of the Police Division from its current 268 to 145 by 1 October 1994. I shall of course keep this matter under constant review.

102. Meanwhile, I appeal to the Government of El Salvador, both the outgoing and incoming administrations, and to all others concerned, to make the effort necessary to ensure that their remaining commitments are implemented with the least possible delay, in order to consolidate peace and prosperity in El Salvador. There are four areas that seem to me to require especially urgent attention:

(a) Agreement on measures to enhance the civilian character of the National Civil Police and to increase its strength;

(b) Accelerated demobilization of the National Police and its completion by the end of 1994, rather than extending it to March 1995; further transfers of

National Police personnel to the National Civil Police, as proposed in the President's letter of 22 April, to be effected only with the concurrence of FMLN, as such transfers are not envisaged in the Peace Accords;

(c) A solution to the pressing problem of human settlements;

(d) Arrangements to ensure that those who have title to land under the land transfer programme also have access to agricultural credit and technical assistance in time for the current planting season.

103. In this critical phase of peace consolidation, I also appeal again to the international community for continued financial support for the peace-related programmes, which are so vital to national reconciliation, democratization and prosperity in El Salvador.

104. The present report unavoidably has highlighted the points where compliance has been lacking or incomplete. This is because the agreed timetable for the implementation process has been delayed and this must be rectified. Yet there have been notable advances, above all in the integration of FMLN into the political life of El Salvador. While the electoral process has shown major defects and these need to be corrected, the elections themselves were completed without violence - a significant achievement. I am confident that I speak for all Member States of the United Nations who have supported the Salvadorian peace process when I commend all the political parties and their leaders who ensured orderly elections. A heavy responsibility now lies upon the majority party, ARENA, and the leading opposition party, FMLN, to maintain their dedication to the political process and to strengthen the institutions of democracy in El Salvador. Only this effort can make possible the consolidation of lasting peace in their country.

105. It is with gratification that I commend the vital roles played by President Alfredo Cristiani and by the leadership of FMLN, headed by Mr. Schafick Handal. It is their strong conviction that arms must be abandoned and national reconciliation embraced that has restored peace to El Salvador. After he hands over his high office on 1 June 1994 to President-elect Calderón Sol, I have no doubt that President Cristiani, as President of ARENA, will not flag in his demonstrated commitment to preserve a lasting peace in his country.

106. In concluding, I wish to express my highest appreciation for the dedication and perseverance of all personnel of ONUSAL, led by my Special Representatives, who have spared no effort to restore hope to the Salvadorian people.

Notes

1/ The report is being submitted after the 1 May deadline with the consent of the Security Council.

2/ The Deputy-Director for Operations, a former army major, resigned on 3 May 1994.

3/ Geneva Agreement, 4 April 1990.